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26 Claimants Intuitive Surgical Operations, Inc.,
27 Intuitive Surgical, Inc., Intuitive Surgical
28 Holdings, LLC, Intuitive Fluorescence Imaging,
LLC, and Intuitive Surgical Service Optics, Inc.

17 UNITED STATES DISTRICT COURT

18 CENTRAL DISTRICT OF CALIFORNIA

19 INTUITIVE IMAGING INFORMATICS,
20 LLC, a Nevada limited liability company,

21 Plaintiff and Counter-
22 Defendant,

23 v.

24 INTUITIVE SURGICAL OPERATIONS,
25 INC., a Delaware corporation, et al.,

26 Defendants and Counter-
27 Claimants.

28 CASE NO. 2:23-cv-10593-DSF-RAO

Honorable Dale S. Fischer

**DECLARATION OF ELEANOR M.
LACKMAN IN SUPPORT OF
REPLY IN SUPPORT OF MOTION
FOR JUDGMENT ON THE
PLEADINGS**

Date: August 26, 2024
Time: 1:30 p.m.
Location: Courtroom 7D

Filing Date: 12/18/2023
Trial Date: 12/09/2025

27 AND RELATED COUNTERCLAIMS

DECLARATION OF ELEANOR M. LACKMAN

I, Eleanor M. Lackman, the undersigned, hereby declare as follows:

3 1. Through my professional corporation, I am a Partner in the law firm
4 Mitchell Silberberg & Knupp LLP and counsel for Defendants Intuitive Surgical
5 Operations, Inc., Intuitive Surgical, Inc., Intuitive Surgical Service Optics, Inc.,
6 Intuitive Surgical Holdings LLC, and Intuitive Fluorescence Imaging, LLC
7 (collectively, “Defendants”) in this action. The facts stated in this declaration are
8 within my personal knowledge, and if called upon as a witness, I could and would
9 testify competently to them. I submit this declaration in support of Defendants’
10 Reply in support of Motion for Judgment on the Pleadings.

11 2. A true and correct copy of excerpts from the parties' May 6, 2024
12 scheduling conference before this Court is attached hereto as **Exhibit A**.

13 3. A true and correct copy of an archived Orpheus Medical webpage
14 captured on July 25, 2020 and displaying the language “Orpheus Medical – An
15 Intuitive Company” is attached hereto as **Exhibit B**.

16 4. A true and correct copy of an archived Orpheus Medical webpage
17 captured on February 20, 2020 and displaying a headline from a press release
18 discussing the acquisition of Orpheus Medical is attached hereto as **Exhibit C**.

20 I declare under penalty of perjury that the foregoing is true and correct to the
21 best of my knowledge.

22 I executed this declaration on August 12, 2024 in Los Angeles, California.


ELEANOR M. LACKMAN